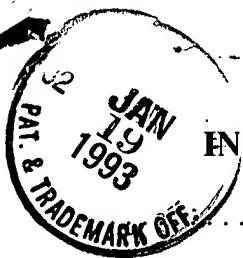


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R. Baker et al.

Serial No.: 07/827,187 (Case T-1092Y)

Filed: January 28, 1992

Entitled: IMIDAZOLE, TRIAZOLE AND  
TETRAZOLE DERIVATIVES

Art Unit:  
1203

Examiner:  
C. Chang

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**SUPPLEMENTAL RESPONSE**

Sir:

An amendment in response to the Examiner's Office Action of September 29, 1992, was submitted to the Examiner on December 21, 1992. In that amendment, rebuttal remarks were put forth versus the Examiner's Section 103 rejection over the EPO 0 313 397 disclosure to Robertson. It was pointed out that the tetrazolo ring in the Robertson compound was heteroaliphatic, whereas the compounds being claimed in the instant case were heteroaromatic, thus non-obvious.

In furtherance of that argument, enclosed is a Rule 132 Declaration by the co-inventor, Leslie J. Street, who shows that the corresponding heteroaromatic compound of the instant invention is unexpectedly 120 times more active (based on IC<sub>50</sub> data) as compared to the corresponding heteroaliphatic compound disclosed by Robertson. Thus, not only do we present a strong argument for the structural non-obviousness, we also present convincing comparative data showing the patentably distinct features of the instantly claimed compounds.

On this basis, reconsideration of Examiner's rejection under Section 103 over Robertson is respectfully requested, and allowance and issuance of the claims as amended is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date appearing below.

MERCK & CO., INC.

By Robert J. North Date 1/15/93

Respectfully submitted,

By Robert J. North  
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January 15, 1993

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